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Agenda item 127

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Aliosha I. NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the forty-sixth session of the General Assembly pursuant to paragraph 8 of Assembly resolution 45/40 of 28 November 1990.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/46/372), submitted pursuant to paragraph 5 of General Assembly resolution 45/40.

4. The following documents were also circulated under this item:

(a) Report of the Secretary-General on the United Nations Rules for the Conciliation of Disputes between States (A/46/383 and Add.1);

(b) Letter dated 4 February 1991 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (A/46/79);

(c) Letter dated 22 July 1991 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General (A/46/317-S/22823);

(d) Letter dated 30 July 1991 from the Permanent Representative of Malta to the United Nations addressed to the Secretary-General (A/46/335);

(e) Note verbale dated 19 September 1991 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/C.6/46/4);

(f) Letter dated 21 October 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/46/587).

5. The General Assembly, in its resolution 45/40, requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-sixth session in accordance with its mandate and methods of work. Pursuant to that resolution, the Sixth Committee, at its 15th meeting, on 16 October 1991, decided to reconvene the Working Group and elected Mr. Aftab Farrukh (Pakistan) Chairman of the Working Group.

6. At the 37th meeting, on 13 November 1991, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/46/L.8).

7. The Sixth Committee considered the item, as well as the report of the Working Group, at its 37th to 39th and 43rd meetings, between 13 and 18 November and on 25 November 1991. The summary records of those meetings are contained in documents A/C.6/46/SR.37-39 and 43).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/46/L.12

8. At the 43rd meeting, on 25 November 1991, the representative of Pakistan introduced a draft resolution entitled "United Nations Decade of International Law" (A/C.6/46/L.12) sponsored by Argentina, Australia, Austria, Benin, Brazil, Bulgaria, Canada, China, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, the Libyan Arab Jamahiriya, Malaysia, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, Poland, Romania, Singapore, Spain, the Sudan, Sweden, Thailand, Trinidad and Tobago, Tunisia, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Viet Nam, Yemen, Yugoslavia and Zaire, later joined by Algeria, Bahrain, Belgium, Cameroon, Chile, Colombia, Estonia, Mauritania, Mexico, Morocco, the Philippines, Senegal, the United Republic of Tanzania, Ukraine, Uruguay and Venezuela.

9. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.12 without a vote (see para. 10).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989 by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law;

Recalling further its resolution 45/40 of 28 November 1990, to which was annexed the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law,

Expressing its appreciation for the Secretary-General's report on the United Nations Decade of International Law, 1/ submitted pursuant to resolution 45/40,

Recalling that the Sixth Committee established at the forty-fifth session the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that the Sixth Committee reconvened the Working Group at the forty-sixth session to continue its work in accordance with resolution 45/40,

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1/ A/46/372.

1. Expresses its appreciation to the Sixth Committee and its Working Group on the United Nations Decade of International Law for their work at the current session and requests the Working Group to continue to work at the forty-seventh session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme, including sponsoring conferences on various subjects of international law;

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade;

4. Requests the Secretary-General to submit, on the basis of such information, a report to the General Assembly at its forty-seventh session on the implementation of the programme of activities for the first term (1990-1992) of the United Nations Decade of International Law, together with views on possible activities for the next term of the Decade;

5. Also requests the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification and to submit it to the General Assembly on an annual basis;

6. Encourages States to disseminate, as appropriate, information contained in the report of the Secretary-General at the national level;

7. Appeals to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

8. Requests the Secretary-General once again to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 45/40;

9. Decides to include in the provisional agenda of its forty-seventh session the item entitled "United Nations Decade of International Law".

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REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-THIRD SESSION

Report of the Sixth Committee

Rapporteur: Mr. Aliosha I. NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item "Report of the International Law Commission on the work of its forty-third session" and to allocate it to the Sixth Committee.

2. In connection with this item, the Sixth Committee had before it the following documents:

(a) Report of the International Law Commission on the work of its forty-third session; 1/

(b) Note by the Secretary-General containing the text of the draft articles adopted by the International Law Commission on topics considered at its forty-third session (A/46/405).

3. The Sixth Committee considered the item at its 22nd to 37th meetings and at its 43rd and 44th meetings held from 28 October to 13 November and on 25 and 26 November 1991. The summary records of those meetings (A/C.6/46/SR.22 to 37, 43 and 44) contain the views of the representatives who spoke on the item.

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10).

4. At the 22nd meeting, on 28 October, Mr. Abdul G. Koroma, Chairman of the International Law Commission at its forty-third session, introduced the Commission's report on the work of that session. At the 37th meeting, on 13 November, the Chairman of the Commission made a closing statement.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.6/46/L.16

5. At the 43rd meeting of the Sixth Committee, on 25 November, the representative of Canada introduced a draft resolution entitled "Report of the International Law Commission on the work of its forty-third session" (A/C.6/46/L.16), sponsored by Algeria, Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Cyprus, Czechoslovakia, Denmark, Egypt, Germany, Hungary, Iceland, India, Italy, Japan, Morocco, New Zealand, Norway, Romania, Sierra Leone, Sudan, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and Uruguay, and later joined by Bolivia, Ecuador, France, Mali, Mexico, Peru, Spain, Venezuela and Viet Nam.

6. At the 44th meeting, on 26 November, the Committee adopted draft resolution A/C.6/46/L.16 without a vote (see para. 9, draft resolution I).

B. Draft resolution A/C.6/46/L.15

7. At the 43rd meeting, on 25 November, the representative of Austria introduced a draft resolution entitled "Consideration of the draft articles on jurisdictional immunities of States and their property" (A/C.6/46/L.15), sponsored by Algeria, Argentina, Australia, Austria, Brazil, Chile, Czechoslovakia, India, Italy, Japan, Sierra Leone, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, and later joined by France, the Libyan Arab Jamahiriya and Spain.

8. At the 44th meeting, on 26 November, the Committee adopted draft resolution A/C.6/46/L.15 without a vote (see para. 9, draft resolution II).

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the International Law Commission on the work of its forty-third session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-third session, 1/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations 2/ and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commision further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recognizing the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Taking note with appreciation of the section of the report of the International Law Commission concerning the question of the possible establishment of an international criminal jurisdiction and noting also the debate in the Sixth Committee pertaining to this topic,

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

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2/ Resolution 2625 (XXV), annex.

1. Takes note of the report of the International Law Commission on the work of its forty-third session; 1/

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session, in particular for the completion of the final draft articles on jurisdictional immunities of States and their property and of the provisional draft articles on the law of the non-navigational uses of international watercourses and on the draft Code of Crimes against the Peace and Security of Mankind;

3. Invites the International Law Commission, within the framework of the draft Code of Crimes against the Peace and Security of Mankind, to consider further and analyse the issues raised in its 1990 report 3/ concerning the question of international criminal jurisdiction, including proposals for the establishment of an international criminal court or other international criminal trial mechanism in order to enable the General Assembly to provide guidance on the matter;

4. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

5. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work;

6. Requests the International Law Commission:

(a) To consider thoroughly:

(i) The planning of its activities and programme for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

(ii) Its methods of work in all their aspects, including the possibility of dividing its annual session into two parts, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

3/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10), chap. II, sect. C.

7. Takes note of the comments of the Commission on the question of the duration of its session, as presented in paragraph 338 of its report, 1/ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

8. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

9. Draws the attention of Governments to the importance, for the International Law Commission, to have their views on the draft articles on the law of the non-navigational uses of international watercourses and on the draft Code of Crimes against the Peace and Security of Mankind, adopted on first reading by the Commission, and urges them to present in writing their comments and observations by 1 January 1993, as requested by the Commission;

10. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

11. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-sixth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

12. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

13. Also recommends that the debate on the report of the International Law Commission at the forty-seventh session of the General Assembly commence on 26 October 1992.

DRAFT RESOLUTION II

Consideration of the draft articles on jurisdictional immunities of States and their property

The General Assembly,

Noting that the International Law Commission, taking into account the written comments of Governments as well as views expressed in debates in the Assembly, completed at its forty-third session the second reading of the draft articles on jurisdictional immunities of States and their property, 4/

Noting also that, as reflected in paragraph 25 of the report of the International Law Commission on the work of its forty-third session, 1/ the Commission decided to recommend that the General Assembly should convene an international conference of plenipotentiaries to examine the draft articles on jurisdictional immunities of States and their property prepared by the Commission and to conclude a convention on the subject,

Mindful of Article 13, paragraph 1 a, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that the successful codification and progressive development of the rules of international law governing jurisdictional immunities of States and their property would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

Recognizing the desirability of the conclusion of a convention on jurisdictional immunities of States and their property,

Recognizing also the importance, for the successful completion of such a convention, of the promotion of general agreement,

1. Expresses its appreciation to the International Law Commission for its valuable work on jurisdictional immunities of States and their property and to the Special Rapporteurs for their contribution to this work;

2. Invites States to submit, not later than 1 July 1992, their written comments and observations on the draft articles adopted by the International Law Commission;

3. Requests the Secretary-General to circulate such comments and observations so as to facilitate a discussion on the subject at the forty-seventh session of the General Assembly;

4/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II.

4. Decides to establish at its forty-seventh session an open-ended working group of the Sixth Committee to examine, in the light of the written comments of Governments, as well as views expressed in debates at the forty-sixth session of the Assembly;

(a) Issues of substance arising out of the draft articles, in order to facilitate a successful conclusion of a convention through the promotion or general agreement;

(b) The question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property;

5. Decides to include in the provisional agenda of its forty-seventh session an item entitled "Convention on jurisdictional immunities of States and their property".

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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FOURTH SESSION

Report of the Sixth Committee

Rapporteur: Mr. Aliosha NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. The item entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session" was included in the provisional agenda of the forty-sixth session of the General Assembly pursuant to General Assembly resolution 45/42 of 28 November 1990.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Commission, 1/ which was introduced by the Chairman of the Commission at the 4th meeting of the Sixth Committee, on 26 September 1991, as well as the report of the Secretary-General on possible ways of assisting developing countries to attend meetings of the United Nations Commission on International Trade Law (A/46/349), which was introduced by the Chairman of the Sixth Committee at its 21st meeting, on 25 October 1991.

4. The following communication was also circulated under the item: letter dated 21 October 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/46/587).

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 17 and corrigendum (A/46/17 and Corr.1).

5. The Sixth Committee considered the item at its 4th to 6th, 21st and 41st meetings, on 26, 27 and 30 September, 25 October and 20 November 1991. The summary records of those meetings (A/C.6/46/SR.4-6, 21 and 41) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/46/L.11

6. At the 41st meeting, on 20 November, the representative of Austria introduced and orally amended a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session" (A/C.6/46/L.11), sponsored by Argentina, Australia, Austria, Bahrain, Belarus, Brazil, Chile, Colombia, Czechoslovakia, Ecuador, Egypt, Finland, France, Greece, Italy, Morocco, Poland, Spain and Turkey, later joined by Canada, Cyprus, Denmark, Germany, Guinea, Hungary, India, Kenya, Myanmar, the Netherlands, the Sudan, Sweden, Thailand and Uruguay.

7. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.11, as orally amended, without a vote (see para. 9).

8. The representatives of Cameroon, India and Ghana made statements in explanation of position before the adoption of the draft resolution.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade, as well as its resolutions 43/166 of 9 December 1988, 44/33 of 4 December 1989 and 45/42 of 28 November 1990,

Reaffirming its conviction [illegible] progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session, 2/

Mindful of the valuable contribution to be rendered by the United Nations Commission on International Trade Law within the framework of the United Nations Decade of International Law, particularly as regards the dissemination of international trade law,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session;

2. Takes note of the successful conclusion of the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade, held at Vienna from 2 to 19 April 1991, which has resulted in the adoption of the United Nations Convention on the Liability of Operators of Transport Terminals in International Trade; 3/

3. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification of international trade law and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

4. Calls upon the Commission to continue to take account, as appropriate, of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth 4/ and seventh 5/ special sessions;

5. Reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia to provide such training and assistance, and, in this connection:

(a) Expresses its appreciation to the Commission for organizing the symposium on international trade law, 6/ held in conjunction with the

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2/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 17 and corrigendum (A/46/17 and Corr.1).

3/ A/CONF.152/13.

4/ Resolutions 3201 (S-VI) and 3202 (S-VI).

5/ Resolution 3362 (S-VII).

6/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 17 and corrigendum (A/46/17 and Corr.1), paras. 334-336.

twenty-fourth session of the Commission, and the regional seminar on international trade law, held at Douala, Cameroon, in January 1991, 7/ and to the Governments, the contributions of which enabled the symposium and the seminar to take place;

(b) Invites Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the Trust Fund for the United Nations Commission on International Trade Law Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

6. Commends the Commission on its decision to organize, as a first step in the preparation of its programme of activities for the United Nations Decade of International Law, a Congress on International Trade Law during the last week of the twenty-fifth session of the Commission, to be held in New York from 4 to 22 May 1992, and expresses the hope that all States and interested international organizations will take the opportunity to send appropriate delegates to the Congress to consider the accomplishments achieved in the progressive unification and harmonization of international trade law during the past twenty-five years and the practical needs that can be foreseen for the future;

7. Repeats its invitation to those States which have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission.

B

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its decision in resolution 2205 (XXI) that the representatives of members on the Commission should be appointed by Member States in so far as possible from among persons of eminence in the field of the law of international trade,

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7/ Ibid., para. 332.

Recalling also its resolution 3108 (XXVIII) of 12 December 1973, by which it expanded the membership of the Commission to thirty-six States, namely nine African States, seven Asian States, five Eastern European States, six Latin American States and nine Western European and other States, so as to be representative of the various geographic regions and the principal legal and economic systems of the world,

Concerned about the relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, due in part to inadequate resources to finance the travel of such experts,

Convinced that the fulfilment of the mandate of the Commission, in particular the preparation of universally acceptable legal texts, requires the active participation of representatives from all regions and the various legal and economic systems in an equitable manner, and that representatives need to have special expertise in the field of international trade law, in view of the complex and technical nature of the work of the Commission and its working groups,

Bearing in mind the arrangements on reimbursement of travel expenses that exist for certain United Nations bodies, pursuant to section IX of resolution 43/217 of 21 December 1988,

1. Takes note of the report of the Secretary-General on possible ways of assisting developing countries to attend meetings of the United Nations Commission on International Trade Law; 8/

2. Requests the Fifth Committee to consider, in order to ensure full participation by all Member States, granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries members of the Commission at their request, in consultation with the Secretary-General, to participate in the sessions of the Commission and its working groups;

3. Recommends that the Commission rationalize the organization of its work and consider, in particular, the holding of consecutive meetings of its working groups;

4. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its forty-seventh session.

8/ A/46/349.

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CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS THERETO

Report of the Sixth Committee

Rapporteur: Mr. Aliosha I. NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto" and to allocate it to the Sixth Committee.

2. In connection with the item, the Sixth Committee had before it chapter II of the report of the International Law Commission on the work of its forty-first session, 1/ which contained the draft articles adopted at that session by the Commission on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, as well as draft optional protocol one on the status of the courier and the bag of special missions, and draft optional protocol two on the status of the courier and the bag of international organizations of a universal character, also adopted by the Commission at that same session.

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10).

3. In accordance with paragraph 2 of General Assembly resolution 45/43 of 28 November 1991, the informal consultations initiated under paragraph 2 of resolution 44/36 of 4 December 1989 were resumed under the chairmanship of one of the Vice-Chairmen of the Sixth Committee to study the above-mentioned draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect.

4. The Sixth Committee considered the item at its 40th meeting, on 19 November 1991. The summary record of that meeting (A/C.6/46/SR.40) contains the views of the representatives who spoke on the item.

5. At the same meeting, the Vice-Chairman of the Sixth Committee, presiding as Chairman over the informal consultations referred to in paragraph 3 above, reported orally on the results of those consultations, indicating, in particular, that they had contributed to clarifying existing positions further. The Sixth Committee took note of the report of the Chairman.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/46/L.14

6. At the 43rd meeting of the Sixth Committee, on 25 November 1991, the Chairman of the Committee introduced draft resolution A/C.6/46/L.14 under the item.

7. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.14 without a vote (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto

The General Assembly,

Recalling its resolution 44/36 of 4 December 1989, in which it noted that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, had completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and had also prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the

status of the courier and the bag of international organizations of a universal character, 2/

Recalling also its resolution 45/43 of 28 November 1990, by which it decided that the informal consultations that were held at the forty-fifth session of the General Assembly would be resumed at the forty-sixth session of the Assembly,

1. Expresses its satisfaction at the useful informal consultations that were accordingly held at its forty-sixth session to study the draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect, and takes note of the report of the Vice-Chairman of the Sixth Committee, who presided over those consultations; 3/

2. Decides that these informal consultations will be resumed at its forty-seventh session;

3. Also decides to include in the provisional agenda of its forty-seventh session the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

2/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10), chap. II.

3/ Ibid., Forty-sixth Session, Sixth Committee, 40th meeting.

UNITED
NATIONS

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General Assembly

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GENERAL

A/46/690
21 November 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 131

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Report of the Sixth Committee

Rapporteur: Mr. Aliosha I. NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the forty-sixth session of the General Assembly pursuant to paragraph 8 of resolution 45/44 of 28 November 1990.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ which was introduced by the Chairman of the Special Committee at the 6th meeting of the Sixth Committee, on 30 September 1991. The Committee also had before it the report of the Secretary-General on the United Nations Rules for the Conciliation of Disputes between States (A/46/383 and Add.1), which it had decided at its 3rd meeting, on 25 September 1991, to consider under this item.

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 33 (A/46/33 and Corr.1).

4. The following documents were also circulated under the item:

(a) Peaceful Settlement of Disputes between States: A Selective Bibliography (ST/LIB/SER.B/39 (Sales No. 91.I.49));

(b) Letter dated 30 July 1991 from the Permanent Representative of Malta to the United Nations addressed to the Secretary-General (A/46/335);

(c) Letter dated 18 October 1991 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General (A/46/582);

(d) Letter dated 29 October 1991 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/46/605-S/23176).

5. The Sixth Committee considered the item at its 6th to 11th and 38th meetings, held from 30 September to 8 October and on 15 November 1991. The summary records of the meetings (A/C.6/46/SR.6-11 and 38) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/46/L.7

6. At the 38th meeting, on 15 November 1991, the representative of Egypt introduced and orally amended a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/46/L.7), sponsored by Argentina, Brazil, Bulgaria, Chile, Cyprus, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Germany, Guatemala, Hungary, Italy, Japan, Malaysia, Morocco, New Zealand, Oman, the Philippines, Romania, Spain, Tunisia, Uruguay, Venezuela and Yugoslavia, later joined by Belgium, Colombia, Mali, Nicaragua, Niger and Poland.

7. The Committee had before it a statement by the Secretary-General (A/C.6/46/L.10) on the programme budget implications of the draft resolution.

8. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.7, as orally amended, without a vote (see para. 13, draft resolution I).

9. The representative of Papua New Guinea made a statement in explanation of position after the adoption of the draft resolution.

B. Draft resolution A/C.6/46/L.9

10. Also at the 38th meeting, the representative of Germany introduced a draft resolution entitled "Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security" (A/C.6/46/L.9), sponsored by Belgium, Brazil, Cyprus, Czechoslovakia, Egypt,

Germany, Ghana, Italy, Japan, New Zealand, Nigeria, Poland and Spain, later joined by Bulgaria, Hungary and Romania.

11. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.9 without a vote (see para. 13, draft resolution II).

12. The representative of Papua New Guinea made a statement in explanation of position after the adoption of the draft resolution.

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

13. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions, 2/

Taking note of the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 3/ thirty-eighth, 4/ thirty-ninth, 5/ fortieth, 6/ forty-first, 7/

2/ Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987, 43/170 of 9 December 1988, 44/37 of 4 December 1989 and 45/44 of 28 November 1990.

3/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

4/ Ibid., Thirty-eighth Session, Supplement No. 1 (A/38/1).

5/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

6/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

7/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

forty-second, 8/ forty-third, 9/ forty-fourth, 10/ forty-fifth 11/ and forty-sixth 12/ sessions, as well as the views and comments expressed on them by Member States,

Having considered the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its session held in 1991, 13/

Expressing its satisfaction at the completion of the work on the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, 14/

Mindful of the desirability of further work being done by the Special Committee in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals presented to the General Assembly at its forty-sixth session aimed at strengthening the role of the Organization and enhancing its effectiveness,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. Expresses its appreciation to the Secretary-General for the completion of the Handbook on the Peaceful Settlement of Disputes between States 15/ and requests him to publish and disseminate widely the Handbook in all the official languages of the United Nations;

3. Decides that the Special Committee will hold its next session from 3 to 21 February 1992;

8/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

9/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

10/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

11/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

12/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

13/ Ibid., Supplement No. 33 and corrigendum (A/46/33 and Corr.1).

14/ A/C.6/46/L.9, annex.

15/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 33 and corrigendum (A/46/33 and Corr.1), annex.

4. Requests the Special Committee, at its session in 1992, in accordance with the provisions of paragraph 5 below:

(a) To accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider the proposal on the enhancement of cooperation between the United Nations and regional organizations, as well as other specific proposals relating to the maintenance of international peace and security which might be submitted to the Special Committee at its session in 1992;

(b) To continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(i) To consider the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To consider other specific proposals relating to the question of the peaceful settlement of disputes between States that might be submitted to the Special Committee at its session in 1992;

(c) To consider various proposals with the aim of strengthening the role of the Organization and enhancing its effectiveness;

5. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

6. Decides that the Special Committee shall accept the participation of observers of Member States in its meetings, including those of its working group;

7. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-seventh session;

8. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

DRAFT RESOLUTION II

Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security

The General Assembly,

Recalling its resolutions 43/170 of 9 December 1988, 44/37 of 4 December 1989 and 45/44 of 28 November 1990,

Taking note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 16/ which met in New York from 4 to 22 February 1991 and completed a draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security,

Convinced that the adoption of the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security will contribute to strengthening the role of the United Nations and enhancing its effectiveness in maintaining international peace and security,

Considering the need to ensure a wide dissemination of the text of the Declaration,

Also considering the Declaration to be an important and concrete contribution of the Special Committee to the United Nations Decade of International Law,

1. Approves the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, the text of which is annexed to the present resolution;

2. Expresses its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration;

3. Requests the Secretary-General to inform the Governments of the States Members of the United Nations or members of specialized agencies, and the Security Council, of the adoption of the Declaration;

4. Urges that all efforts be made so that the Declaration becomes generally known and fully implemented.

ANNEX

Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security

The General Assembly,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter

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16/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 33 and corrigendum (A/46/33 and Corr.1).

of the United Nations, 17/ the Manila Declaration on the Peaceful Settlement of International Disputes, 18/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 19/ the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, 20/ and their provisions regarding fact-finding,

Emphasizing that the ability of the United Nations to maintain international peace and security depends to a large extent on its acquiring detailed knowledge about the factual circumstances of any dispute or situation, the continuance of which might threaten the maintenance of international peace and security (hereinafter "disputes or situations"),

Recognizing that the full use and further improvement of the means for fact-finding of the United Nations could contribute to the strengthening of the role of the United Nations in the maintenance of international peace and security and promote the peaceful settlement of disputes, as well as the prevention and removal of threats to the peace,

Desiring to encourage States to bear in mind the role that competent organs of the United Nations can play in ascertaining the facts in relation to disputes or situations,

Recognizing the particular usefulness of fact-finding missions that the competent United Nations organs may undertake in this respect,

Bearing in mind the experience and expertise acquired by the United Nations in the field of fact-finding missions,

Recognizing the need for States, in exercising their sovereignty, to cooperate with the relevant organs of the United Nations as regards fact-finding missions undertaken by them,

Seeking also to contribute to the effectiveness of the United Nations, with a view to enhancing mutual understanding, trust and stability in the world,

Solemnly declares as follows:

17/ Resolution 2625 (XXV), annex.

18/ Resolution 37/10, annex.

19/ Resolution 42/22, annex.

20/ Resolution 43/51, annex.

I

1. In performing their functions in relation to the maintenance of international peace and security, the competent organs of the United Nations should endeavour to have full knowledge of all relevant facts. To this end they should consider undertaking fact-finding activities.

2. For the purpose of this Declaration fact-finding means any activity designed to obtain detailed knowledge of the relevant facts of any dispute or situation which the competent United Nations organs need in order to exercise effectively their functions in relation to the maintenance of international peace and security.

3. Fact-finding should be comprehensive, objective, impartial and timely.

4. Unless a satisfactory knowledge of all relevant facts can be obtained through the use of the information-gathering capabilities of the Secretary-General or other existing means, the competent organ of the United Nations should consider resorting to a fact-finding mission.

5. In deciding if and when to undertake such a mission, the competent United Nations organs should bear in mind that the sending of a fact-finding mission can signal the concern of the Organization and should contribute to building confidence and defusing the dispute or situation while avoiding any aggravation of it.

6. The sending of a United Nations fact-finding mission to the territory of any State requires the prior consent of that State, subject to the relevant provisions of the Charter of the United Nations.

II

7. Fact-finding missions may be undertaken by the Security Council, the General Assembly and the Secretary-General, in the context of their respective responsibilities in maintaining international peace and security in accordance with the Charter.

8. The Security Council should consider the possibility of undertaking fact-finding to discharge effectively its primary responsibility for the maintenance of international peace and security in accordance with the Charter.

9. The Security Council should, wherever appropriate, consider the possibility of providing in its resolutions for recourse to fact-finding.

10. The General Assembly should consider the possibility of undertaking fact-finding for exercising effectively its responsibilities under the Charter for the maintenance of international peace and security.

11. The General Assembly should, wherever appropriate, consider the possibility of providing for recourse to fact-finding in its resolutions relevant to the maintenance of international peace and security.

12. The Secretary-General should pay special attention to using the United Nations fact-finding capabilities at an early stage in order to contribute to the prevention of disputes and situations.

13. The Secretary-General, on his own initiative or at the request of the States concerned, should consider undertaking a fact-finding mission when a dispute or a situation exists.

14. The Secretary-General should prepare and update lists of experts in various fields who would be available for fact-finding missions. He should also maintain and develop, within existing resources, capabilities for mounting emergency fact-finding missions.

15. The Security Council and the General Assembly should, in deciding to whom to entrust the conduct of a fact-finding mission, give preference to the Secretary-General, who may, inter alia, designate a special representative or a group of experts reporting to him. Resort to an ad hoc subsidiary body of the Security Council or the General Assembly may also be considered.

16. In considering the possibility of undertaking a fact-finding mission, the competent United Nations organ should bear in mind other relevant fact-finding efforts, including those undertaken by the States concerned and in the framework of regional arrangements or agencies.

17. The decision by the competent United Nations organ to undertake fact-finding should always contain a clear mandate for the fact-finding mission and precise requirements to be met by its report. The report should be limited to a presentation of findings of a factual nature.

18. Any request by a State to a competent organ of the United Nations for the sending of a United Nations fact-finding mission to its territory should be considered without undue delay.

III

19. Any request by a competent organ of the United Nations for the consent of a State to receive a fact-finding mission within its territory should be given timely consideration by that State. This State should inform the said organ of its decision without delay.

20. In the event a State decides not to admit a United Nations fact-finding mission to its territory, it should, if it deems it appropriate, indicate the reasons for its decision. It should also keep the possibility of admitting the fact-finding mission under review.

21. States should endeavour to follow a policy of admitting United Nations fact-finding missions to their territory.

22. States should cooperate with United Nations fact-finding missions and give them, within the limits of their capabilities, full and prompt assistance

necessary for the exercise of their functions and the fulfilment of their mandate.

23. Fact-finding missions should be accorded all immunities and facilities needed for discharging their mandate, in particular full confidentiality in their work and access to all relevant places and persons, it being understood that no harmful consequences will result to these persons. Fact-finding missions have an obligation to respect the laws and regulations of the State in which they exercise their functions; such laws and regulations should not however be applied in such a way as to hinder missions in the proper discharge of their functions.

24. The members of fact-finding missions, as a minimum, enjoy the privileges and immunities accorded to experts on missions by the Convention on the Privileges and Immunities of the United Nations. Without prejudice to their privileges and immunities, members of fact-finding missions have an obligation to respect the laws and regulations of the State in the territory in which they exercise their functions.

25. Fact-finding missions have an obligation to act in strict conformity with their mandate and perform their task in an impartial way. Their members have an obligation not to seek or receive instructions from any Government or from any authority other than the competent United Nations organ. They should keep the information acquired in discharging their mandate confidential even after the mission has fulfilled its task.

26. The States directly concerned should be given an opportunity, at all stages of the fact-finding process, to express their views in respect of the facts the fact-finding mission has been entrusted to obtain. When the results of fact-finding are to be made public, the views expressed by the States directly concerned should, if they so wish, also be made public.

27. Whenever fact-finding includes hearings, appropriate rules of procedure should ensure their fairness.

IV

28. The Secretary-General should monitor the state of international peace and security regularly and systematically in order to provide early warning of disputes or situations which might threaten international peace and security. The Secretary-General may bring relevant information to the attention of the Security Council and, where appropriate, of the General Assembly.

29. To this end, the Secretary-General should make full use of the information-gathering capabilities of the Secretariat and keep under review the improvement of these capabilities.

V

30. The sending of a United Nations fact-finding mission is without prejudice to the use by the States concerned of inquiry or any similar procedure or of any means of peaceful settlement of disputes agreed by them.

31. Nothing in this Declaration is to be construed as prejudicing in any manner the provisions of the Charter.

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29 November 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 132

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Report of the Sixth Committee

Rapporteur: Mr. Aliosha I. NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the forty-sixth session of the General Assembly pursuant to Assembly resolution 45/46 of 28 November 1991.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. For its consideration of this item, the Sixth Committee had before it the report of the Committee on Relations with the Host Country. 1/

4. The Sixth Committee considered the item at its 44th meeting, on 26 November 1991. The summary record of that meeting contains the views expressed by the representatives who spoke on the item (A/C.6/46/SR.44).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/46/L.19

5. At its 44th meeting, on 26 November, the representative of Cyprus introduced a draft resolution (A/C.6/46/L.19).

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 26 (A/46/26).

6. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.19 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 2/

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations 3/ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations 4/ and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 75 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and expresses the hope that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

3. Expresses its appreciation for the efforts made by the host country and hopes that outstanding problems raised at the meetings of the Committee will be duly resolved in a spirit of cooperation and in accordance with international law;

2/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 26 (A/46/26).

3/ Resolution 22 A (I).

4/ See resolution 169 (II).

4. Urges the host country, in the light of the consideration by the Committee of travel regulations issued by the host country, to continue to bear in mind its obligations to facilitate the functioning of the United Nations and the missions accredited to it;

5. Stresses the importance of a positive perception of the work of the United Nations, and urges that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security;

6. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

7. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

8. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Report of the Committee on Relations with the Host Country".

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General Assembly

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A/46/692
2 December 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 133

ADDITIONAL PROTOCOL ON CONSULAR FUNCTIONS TO THE VIENNA CONVENTION ON CONSULAR RELATIONS

Report of the Sixth Committee

Rapporteur: Mr. Aliosha I. NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. The item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations" was included in the provisional agenda of the forty-sixth session of the General Assembly pursuant to Assembly resolution 45/47 of 28 November 1990.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General, 1/ which was introduced by the Under-Secretary-General, the Legal Counsel, at its 41st meeting, on 20 November 1991.

4. The Sixth Committee considered the item at its 41st and 44th meetings, on 20 and 26 November 1991. The summary records of those meetings (A/C.6/46/SR.41 and 44) contain the views of the representatives who spoke on the item.

1/ A/46/348 and Add.1-2.

II. CONSIDERATION OF DRAFT RESOLUTION

5. At the 44th meeting, on 26 November, the representative of Austria introduced a draft resolution entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations" (A/C.6/46/L.18), on behalf of Austria, Colombia and Czechoslovakia, joined later by Uruguay.

6. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.18 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Additional protocol on consular functions to the Vienna Convention on Consular Relations

The General Assembly,

Recalling its resolution 45/47 of 28 November 1990,

Taking note with appreciation of the report of the Secretary-General 2/ containing the replies received from Member States and other States parties to the Vienna Convention on Consular Relations 3/ concerning an additional protocol on consular functions to that Convention,

Having considered the item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations",

1. Decides to hold informal consultations during its forty-seventh session to examine the proposal on an additional protocol on consular functions to the Vienna Convention on Consular Relations, particularly in the light of the views expressed by States contained in the report of the Secretary-General or expressed during the debate on this item in the Sixth Committee at the forty-sixth session of the General Assembly;

2. Invites Member States as well as other States parties to the Convention to submit their views on this item to the Secretary-General in accordance with paragraph 3 of resolution 45/47;

2/ A/46/348 and Add 1-2.

3/ United Nations, Treaty Series, vol. 596, No. 8638.

3. Requests the Secretary-General to submit to the General Assembly at its forty-seventh session a further report containing the replies received under paragraph 2 above;

4. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations".

UNITED
NATIONS

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General Assembly

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A/46/693
27 November 1991

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Forty-sixth session
Agenda item 140

EXPLOITATION OF THE ENVIRONMENT AS A WEAPON IN TIMES OF ARMED CONFLICT AND THE TAKING OF PRACTICAL MEASURES TO PREVENT SUCH EXPLOITATION

Report of the Sixth Committee

Rapporteur: Mr. Aliosha I. NEDELCHEV (Bulgaria)

I. INTRODUCTION

1. The item entitled "Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation" was included in the provisional agenda of the forty-sixth session of the General Assembly at the request of Jordan.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it a note verbale dated 5 July 1991 from the Chargé d'affaires of the Permanent Mission of Jordan to the United Nations addressed to the Secretary-General (A/46/141) to which an explanatory memorandum was attached in accordance with rule 20 of the rules of procedure of the General Assembly.

4. The following communication was also circulated under the item: letter dated 12 August 1991 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/46/358-S/22931).

5. The Sixth Committee considered the item at its 18th to 20th and 43rd meetings, from 22 to 24 October and on 25 November 1991. The summary records of those meetings (A/C.6/46/SR.18-20 and 43) contain the views of the representatives who spoke on the item.

II. CONSIDERATION OF DRAFT DECISION A/C.6/46/L.13

6. At the 43rd meeting, on 25 November 1991, the Chairman introduced a draft decision entitled "Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation" (A/C.6/46/L.13), proposed by him.

7. At the same meeting, the Committee adopted draft decision A/C.6/46/L.13 without a vote (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation

The General Assembly:

(a) Takes note that the protection of the environment in times of armed conflict is being addressed at the Twenty-sixth International Conference of the Red Cross and Red Crescent, to be held from 29 November to 6 December 1991 at Budapest;

(b) Decides to request the Secretary-General to report on the results of the above-mentioned Conference to the General Assembly at its forty-seventh session;

(c) Also decides to include in the provisional agenda of its forty-seventh session the item entitled "Protection of the environment in times of armed conflict".

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General Assembly Security Council

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S/23235
22 November 1991

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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 68
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 November 1991 from the Permanent Representative of Cape Verde to the United Nations addressed to the Secretary-General

On behalf of Angola, Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe I would like to draw your attention to the joint statement annexed hereto, issued by the said countries on the prevailing situation in East Timor, in the light of the recent incident that victimized many innocent civilians in that territory.

I request that this letter and the joint statement be published as an official document of the General Assembly, under agenda item 68, and of the Security Council.

(Signed) José Luis JESUS
Ambassador
Permanent Representative of
Cape Verde to the United Nations

ANNEX

Joint statement issued by the Permanent Representatives of the People's Republic of Angola, the Republic of Cape Verde, the Republic of Guinea-Bissau, the Republic of Mozambique and the Democratic Republic of Sao Tome and Principe to the United Nations on 18 November 1991

On the 12th of the current month of November the world was shocked by the press report about a barbarian massacre perpetrated against the defenceless population of East Timor by the occupation forces of Indonesia.

In accordance with press accounts of different sources, confirmed by the Indonesian official press, this action of violence took place when the armed forces of Indonesia shot at a group of people of 1,000 East Timorese and foreigners who were paying their last respect, in the cemetery of Santa Cruz, to Sebastiao Rangel and Afonso Henriques, two young East Timorese who were also assassinated by Indonesian soldiers in an incident that took place earlier on the 28th of October last.

The tragic and unjustifiable result of this outrageous act of violence is translated into scores of dead and many wounded people. Such an incident is a challenge to our universal conscience on the untenable situation in which the East Timorese people found themselves and whose exercise of the sacred and inalienable right to self-determination as well as their fundamental human rights are being denied through the use of force and repression.

Deeply concerned by the above-mentioned situation, the Permanent Representatives of the People's Republic of Angola, the Republic of Cape Verde, the Republic of Guinea-Bissau, the Republic of Mozambique and the Democratic Republic of Sao Tome, acting on behalf of their respective Governments:

1. Repudiate and condemn most vehemently the massacre of 12 November perpetrated by the repressive forces of Indonesia in their unsuccessful attempt to silence the East Timorese people whose long-lasting resistance to oppression is a clear evidence of their attachment to freedom and of their indomitable willingness to exercise their fundamental and inalienable right to self-determination.

2. Call on the Indonesian Government to put an immediate end to the violence against the East Timorese population and cooperate with the United Nations in its efforts to promote a just and lasting solution for the question of East Timor, in conformity with the United Nations principles and relevant resolutions in the field of decolonization.

3. Invite the Human Rights Commission to take the necessary steps to undertake as soon as possible an inquiry into the facts with a view to establishing the responsibilities.

4. Reaffirm their common position that East Timor is a question of decolonization and emphasize the United Nations responsibility in the creation of conditions and mechanisms to ensure to the East Timor people the free exercise of their right to self-determination and independence.

5. Request the United Nations Secretary-General to renew his efforts with a view to finding a peaceful solution to the conflict.

(Signed) Afonso VAN-DUNEM "MBINDA"
Permanent Representative of the
People's Republic of Angola to the
United Nations

(Signed) José Luis JESUS
Permanent Representative of the
Republic of Cape Verde to the
United Nations

(Signed) Boubacar TOURE
Permanent Representative of the
Republic of Guinea-Bissau to the
United Nations

(Signed) Pedro Comissario AFONSO
Permanent Representative of the
Republic of Mozambique to the
United Nations

(Signed) Joaquim Rafael BRANCO
Permanent Representative of the
Democratic Republic of Sao Tome
and Principe to the United Nations